

# **COMMITTEE AMENDMENT FORM**

**DATE: 09/12/ 06**

**COMMITTEE      CITY UTILITIES      PAGE NUM. (S) 1**

**ORDINANCE I. D. #06-O-1934      SECTION (S) 1**

**RESOLUTION I. D. #06-R-      PARA.**

**AMENDS THE LEGISLATION BY DELETING 17<sup>TH</sup> DISTRICT AND  
REPLACING IT WITH 14<sup>TH</sup> DISTRICT WHEREVER IT APPEARS IN THE  
LEGISLATION.**

**AMENDMENT DONE BY COUNCIL STAFF 9/18/06**

AN ORDINANCE

BY

*Carla Smith*

06-0 -1934

**AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, S.E. LOCATED BETWEEN SOLOMON STREET AND ITS DEAD-END BY I-20, CONSISTING OF APPROXIMATELY 0.128 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 53 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of Fraser Street S.E. described in Exhibit "A"; and

**WHEREAS**, the abandoned portion of Fraser Street S.E. will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the portion of Fraser Street S.E. located between Solomon Street and the Dead-End by I-20, consisting of approximately 0.128 acres, and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 53 of the 17<sup>th</sup> District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 2:** That the City hereby expresses its intent to abandon Fraser Street S.E. as hereinabove defined.

**SECTION 3:** That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Fraser Street S.E..

**SECTION 4:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities; and these easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 5:** That the Chief Procurement Officer is authorized to appraise said street to

determine its fair market land value.

**SECTION 6:** That all costs associated with the appraisal report will not exceed Five Thousand Dollars and No Cents (\$5,000.00).

**SECTION 7:** That all costs associated with the appraisal report will be charged to and paid from Fund, Account and Center Number 3P02 574001 M22F03349999.

**SECTION 8:** That the City Attorney is directed to prepare an appropriate quitclaim deed for execution by the Mayor.

**SECTION 9:** That the Mayor is authorized to execute the appropriate quitclaim deed for the abandoned portion of Fraser Street S.E.

**SECTION 10:** That all ordinances and parts of ordinances in conflict with this are hereby waived.

Property Description  
**Capital City Properties, Inc.**  
Solomon Street, S.E.  
City of Atlanta  
Fulton County, Georgia

**FRASER STREET ABANDONMENT**

All that tract or parcel of land lying and being in Land Lot 53 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a 1/2 inch open top pipe found at the intersection of the northerly right-of-way of Solomon Street, S.E. (a variable width right-of-way) with the westerly right-of-way of Martin Street, S.E. (a variable width right-of-way), Thence departing the said westerly right-of-way of Martin Street, S.E. and continuing with the said northerly right-of-way of Solomon Street, S.E., North 89 degrees 42 minutes 42 seconds West, a distance of 666.24 feet to a 1/2 inch rebar found at the intersection of the said northerly right-of-way of Solomon Street, S.E. with the easterly right-of-way of Fraser Street, S.E. (a variable width right-of-way), said 1/2 inch rebar found being the **TRUE POINT OF BEGINNING**. Thence continuing through the said right-of-way of Fraser Street, S.E., North 89 degrees 42 minutes 42 seconds West, a distance of 38.70 feet to a point in the westerly right-of-way of Fraser Street, S.E.; Thence continuing with the said westerly right-of-way of Fraser Street, S.E., North 00 degrees 20 minutes 52 seconds East, a distance of 143.30 feet to a concrete monument found at the intersection of the said westerly right-of-way of Fraser Street, S.E. with the southerly right-of-way of Interstate 20 (a variable width right-of-way); Thence departing the said westerly right-of-way of Fraser Street, S.E. and continuing with the said southerly right-of-way of Interstate 20, North 84 degrees 36 minutes 16 seconds East, a distance of 38.20 feet to a concrete monument found at the intersection of the said southerly right-of-way of Interstate 20 with the said easterly right-of-way of Fraser Street, S.E.; Thence departing the said southerly right-of-way of Interstate 20 and continuing with the said easterly right-of-way of Fraser Street, S.E., South 00 degrees 04 minutes 52 seconds West, a distance of 147.08 feet to a 1/2 inch rebar found at the intersection of the said easterly right-of-way of Fraser Street, S.E. with the said northerly right-of-way of Solomon Street, S.E., said 1/2 inch rebar found being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 0.128 Acres.



## CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6240  
FAX (404) 658-7552  
email: [publicworks@atlantaga.gov](mailto:publicworks@atlantaga.gov)

DEPARTMENT OF PUBLIC WORKS

DAVID E. SCOTT, P.E.  
COMMISSIONER

SHIRLEY FRANKLIN  
MAYOR

October 27, 2005

Hamid Jahangard  
Capital City Venture Holdings, LLC  
3600 Dallas Highway  
Suite 230-125  
Marietta, Georgia 30064

Dear Mr. Jahangard:

This is in reference to your request concerning three small lots, located on Fulton Street, owned by the Department of Public Works.

The Department of Public Works is not opposed to the three discontinued parcels, (ID #s 14-0053-0004-211, 14-0053-0004-210 and 14-0053-0004-212) being deeded to the adjoining property owner, via the Department of Procurement.

Please submit your request to the following office:

Adam Smith, Chief Procurement Officer  
Department of Procurement  
Suite 1790  
55 Trinity Avenue, SW  
Atlanta, Georgia 30305

If you have additional questions, please feel free to contact my office at (404)330-6240.

Sincerely,

  
David E. Scott, P.E., Commissioner

c: Adam Smith/Department of Procurement

CITY OF ATLANTA  
DEPT. OF PROCUREMENT  
2005 OCT - 1 PM 3:49



## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

68 MITCHELL STREET, S.W.  
SUITE 4900, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. 404 330-6501  
FAX 404 658-7085  
Email: [publicworks@atlantaga.gov](mailto:publicworks@atlantaga.gov)

DEPARTMENT OF PUBLIC WORKS  
DAVID E. SCOTT, P.E.  
Commissioner  
OFFICE OF TRANSPORTATION  
DAVID F. FERGUSON  
Deputy Commissioner

### MEMORANDUM

TO: Commissioner David E. Scott, P.E.  
Department of Public Works

FROM: Nursef Kedir *NK*  
Operations Manager  
Department of Public Works

Date: October 21, 2005

SUBJECT: Request for Declaration of DPW Owned Lots Unusable

This memorandum is in response a request by Mr. Hamid Jahangard of Capitol City Venture Holdings, LLC regarding three (3) DPW three owned parcels on north side of Fulton Street between Fraser Street & Martin Street. Based on a field investigation and review of our files, we offer the following.

The lots in question are located on Fulton Street just east of Turner Field. Fulton Street is a 50-foot wide two-way roadway with two lanes on each direction and on-street parking on the south side of the street. In addition, sidewalks are in place on both side of the street.

Fulton Street has excess capacity which makes widening of the street highly unlikely in the future. As a result, Office Transportation is not opposed to if these three discontinuous parcels were deeded to the adjoining owner through the Department of Procurement.

If you have any questions or need additional information is needed, please let me know.

nk

cc: David F. Ferguson  
Althea Smith  
Gloria Strickland  
Wahab Alabi  
Correspondence File

***Capital City Venture Holdings, LLC***

3600 Dallas Hwy  
Ste 230-125  
Marietta, GA 30064  
770-652-5552  
fax 770-792-9030

August 29, 2005

Adam L. Smith  
Suite 1790  
55 Trinity Avenue, S.W.  
Atlanta, GA 30303

Dear Mr. Alabi,

I am writing this letter in reference to 3 small lots owned by Public Works. These lots are located on Fulton Street. Here are the tracts with their parcel id #s. 1(14-0053-0004-211), 2(14-0053-0004-210) and 3(14-0053-0004-212). We own the property on all sides of these lots and would like to use these lots in the development we are doing on Solomon Street.

These lots are not buildable lots and the topo is so great these lots cannot be used by the public works. We would like these lots to be declared unusable and have them deeded back to the adjacent property owner.

Please give me a call if you have any questions or need any additional information.

Sincerely,



Hamid Jahangard  
Member

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

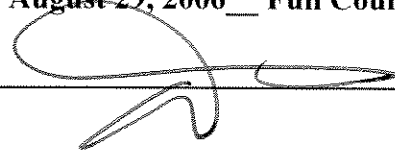
Originating Department: Public Works

Committee(s) of Purview: Transportation

Council Deadline: August 15, 2006

Committee Meeting Date(s): August 29, 2006 Full Council Date: Sept. 5, 2006

Commissioner Signature



CAPTION

AN ORDINANCE TO ABANDON A PORTION OF FRASER STREET, S.E. LOCATED BETWEEN SOLOMON STREET AND ITS DEAD-END BY I-20, CONSISTING OF APPROXIMATELY 0.128 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 53 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

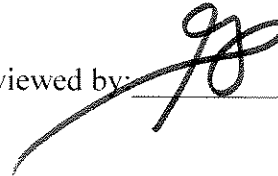
FINANCIAL IMPACT (if any) \$00.00

Mayor's Staff Only

Received by Mayor's Office:

8.21.06  
(date)

Reviewed by:



Submitted to Council:

(date)